



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL MP Nos.4496 and 4497 of 2026

in

CRL RC No.594 of 2026

R.Santhappan
S/o.Raman,
No.19, B.R.Main Road,
Dharapuram,
Tiruppur District.

...Petitioner in both the
petitions

Vs

V.P.Murugesan
S/o.Palanisamy Gounder,
No.67, Anna Nagar,
Dharapuram,
Tiruppur.

...Respondent in both
the petitions

CRL MP No.4496 of 2026

Prayer: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS to suspend the sentence passed in Crl.A.No.158 of 2022 dated 15.12.2025 passed by the III Additional District and Sessions Judge, Dharapuram filed against CC.No.277 of 2010 dated 10.10.2021 by the learned Judicial Magistrate, Dharapuram and enlarge the petitioner on bail pending disposal of the criminal revision petition.

CRL MP No. 4497 of 2026

Prayer: Criminal Miscellaneous Petition filed under Section 528 of BNSS to pass an order of exemption from surrender in the conviction Judgment made in



CC.No.277 of 2010 dated 10.10.2021 and the consequential order passed in Crl.A.No.158 of 2022 dated 15.12.2025 by the III Additional District and Sessions Judge, Dharapuram.

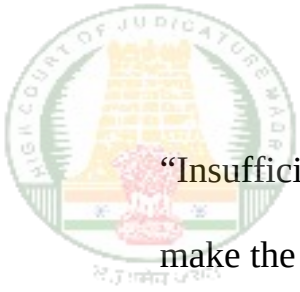
For Petitioner:

Mr.P.Nagaraju
in both the petitions

COMMON ORDER

The petitioner has preferred the above revision challenging the Judgment passed by the learned III Additional District and Sessions Judge, Dharapuram, in Crl.A.No.158 of 2022 dated 15.12.2025, confirming the Judgment of the learned Magistrate convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act and sentencing him to undergo one year of simple imprisonment and to pay compensation of Rs.1,50,000/- in default to undergo three months of simple imprisonment. The instant petitions have been filed to suspend the sentence imposed on the petitioner and to exempt the petitioner from surrendering before the Trial Court, pending disposal of the above revision.

2. It is the case of the respondent that the petitioner had issued a cheque for a sum of Rs.1,50,000/- towards discharge of liability; that when the said cheque was presented for collection, it was returned for the reason



“Insufficient Funds,” and in spite of the statutory notice, the petitioner did not make the payment and hence liable for the said offence.

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3. The learned counsel for the petitioner would submit that the petitioner has raised substantial grounds in the above revision; that the petitioner has rebutted the statutory presumption; that the Judgments of the Courts below are liable to be set aside; and that, to show his bona fides, the petitioner is willing to deposit 50% of the cheque amount, i.e., Rs.75,000/- (Rupees Seventy Five Thousand Only), in addition to the 20% already deposited by the petitioner, to the credit of C.C.No.277 of 2010 on the file of the learned Judicial Magistrate, Dharapuram.

4. Heard the learned counsel for the petitioner and also perused the materials available on record.

5. Having regard to the submission made by the learned counsel for the petitioner that there are substantial grounds raised in the above revision which require consideration, and the fact that the petitioner is willing to deposit 50% of the cheque amount, this Court is inclined to grant suspension of sentence and exempt the petitioner from surrendering before the Trial Court, subject to the following conditions:

(i) The petitioner is ordered to be enlarged on bail, on condition that the petitioner shall deposit 50% of the



cheque amount, in addition to the 20% already deposited by the petitioner, to the credit of C.C.No.277 of 2010 on the file of the learned Judicial Magistrate, Dharapuram, on or before 16.04.2026.

(ii) On such deposit being made, the Trial Court shall redeposit the said amount in a Fixed Deposit Account, in any one of the Nationalized Banks, renewable thereafter periodically. The disbursal of this amount shall be decided at the culmination of the Criminal Revision Case.

(iii) Thereafter, the sentence of imprisonment alone imposed on the petitioner/accused shall be suspended, on his executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the Trial Court.

(iv) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity;

(v) The petitioner shall appear before the Trial Court on the first working day of a month at 10.30 a.m., until the disposal of the revision and if he is not able to appear before the Trial Court on that day, he shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of his absence as directed by the Trial Court.

(vi) On the failure of the petitioner/accused, depositing the above said amount, it is open to the Trial



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Court to commit the petitioner/accused into custody for undergoing the sentence.

6. If the petitioner fails to deposit 50% of the cheque amount, i.e., Rs.75,000/- (Rupees Seventy Five Thousand Only), in addition to the 20% already deposited by the petitioner, to the credit of C.C.No.277 of 2010 on the file of the learned Judicial Magistrate, Dharapuram, the order of suspension of sentence granted by this Court shall stand automatically vacated.

7. Accordingly, these Criminal Miscellaneous Petitions are ordered.

10-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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Copy to

1. The III Additional District and Sessions Judge, Dharapuram.
2. The Judicial Magistrate, Dharapuram.



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C.KUMARAPPAN J.

dk

CRL MP Nos.4496 and 4497 of 2026
in
CRL RC No.594 of 2026

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(2/2)